

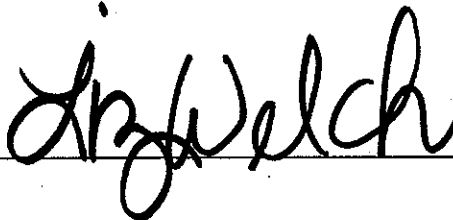
4/18/16

3:48 p.m.

Chapter No. 443  
16/SS02/R306SG  
LR 1TB/LR

## ***SENATE BILL NO. 2198***

Originated in Senate



Secretary

SENATE BILL NO. 2198

AN ACT TO AMEND SECTION 21-1-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING AUTHORITIES OF CERTAIN MUNICIPALITIES SHALL CEDE CONTROL OVER ZONING AND SUBDIVISION REGULATIONS TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE TERRITORY TO BE ANNEXED IS LOCATED IF A CERTAIN NUMBER OF PEOPLE RESIDING IN THE TERRITORY ARE NOT INCLUDED IN THE PROPOSED ANNEXATION; TO AMEND SECTION 21-1-33, MISSISSIPPI CODE OF 1972, TO CONFORM; TO CREATE A NEW SECTION TO PROVIDE THAT CERTAIN COUNTY OR MUNICIPAL POSITIONS SHALL BE UNDER THE RETIREMENT SYSTEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 21-1-27, Mississippi Code of 1972, is amended as follows:

21-1-27. (1) The limits and boundaries of existing cities, towns and villages shall remain as now established until altered in the manner hereinafter provided. When any municipality shall desire to enlarge or contract the boundaries thereof by adding thereto adjacent unincorporated territory or excluding therefrom any part of the incorporated territory of such municipality, the governing authorities of such municipality shall pass an ordinance defining with certainty the territory proposed to be included in or excluded from the corporate limits, and also defining the

entire boundary as changed. In the event the municipality desires to enlarge such boundaries, such ordinance shall in general terms describe the proposed improvements to be made in the annexed territory, the manner and extent of such improvements, and the approximate time within which such improvements are to be made; such ordinance shall also contain a statement of the municipal or public services which such municipality proposes to render in such annexed territory. In the event the municipality shall desire to contract its boundaries, such ordinance shall contain a statement of the reasons for such contraction and a statement showing whereby the public convenience and necessity would be served thereby.

(2) (a) When any municipality having a population in excess of forty thousand (40,000) wherein is located a state-supported university and in which U.S. Highways 49 and 11 intersect and which has boundaries that lie within two (2) counties desires to enlarge its boundaries by adding adjacent unincorporated territory after January 1, 2016, the governing authorities of the municipality shall pass, in addition to the requirements provided in subsection (1), an ordinance:

(i) Certifying that more than fifty percent (50%) of the people who reside in the unincorporated area of the census block within the territory proposed to be annexed shall be included in the proposed annexation; or

(ii) Certifying that upon approval of the annexation, the municipality shall cede any authority to provide zoning and subdivision regulation to the board of supervisors of the county in which the territory is located, if fifty percent (50%) or fewer people who reside in the unincorporated area of the census block within such territory is included in the proposed annexation. If such authority is ceded, as provided under this subparagraph, then the governing authorities of the municipality is authorized to advise the board of supervisors of the county concerning such regulation; however, the ultimate authority regarding the regulation shall lie with the board of supervisors of the county.

This subsection (2) shall stand repealed from and after July 1, 2019.

(3) For the purposes of this section, "census block" refers to certain geographic areas as designated by the latest federal decennial census preceding any annexation under this section.

This subsection (3) shall stand repealed from and after July 1, 2019.

**SECTION 2.** Section 21-1-33, Mississippi Code of 1972, is amended as follows:

21-1-33. (1) If the chancellor finds from the evidence presented at \* \* \* the hearing that the proposed enlargement or contraction is reasonable and is required by the public convenience and necessity and, in the event of an enlargement of a

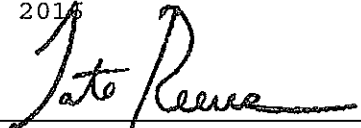
municipality, that reasonable public and municipal services will be rendered in the annexed territory within a reasonable time and that the governing authority of the municipality complied with the provisions of Section 21-1-27, the chancellor shall enter a decree approving, ratifying and confirming the proposed enlargement or contraction, and describing the boundaries of the municipality as altered. In so doing the chancellor shall have the right and the power to modify the proposed enlargement or contraction by decreasing the territory to be included in or excluded from \* \* \* the municipality, as the case may be.

(2) If the chancellor shall find from the evidence that the proposed enlargement or contraction, as the case may be, is unreasonable and is not required by the public convenience and necessity, or in the event of an enlargement of a municipality, that the governing authority of the municipality failed to comply with the provisions of Section 21-1-27, then he shall enter a decree denying \* \* \* the enlargement or contraction.

(3) In any event, the decree of the chancellor shall become effective after the passage of ten (10) days from the date thereof or, in the event an appeal is taken therefrom, within ten (10) days from the final determination of \* \* \* the appeal. In any proceeding under this section the burden shall be upon the municipal authorities to show that the proposed enlargement or contraction is reasonable.

SECTION 3. This act shall take effect and be in force from  
and after July 1, 2016.

PASSED BY THE SENATE  
April 6, 2016

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 28, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR

April 18, 2016

3:48 pm